



March 5, 2007

To: Planning Board

From: Ben Woody, Planning Specialist

Subject: Proposed Neighborhood Conservation Overlay District Enabling Ordinance

A citizen stakeholder group and the Planning and Housing and Community Development Departments have completed a draft enabling ordinance establishing Neighborhood Conservation Overlay (NCO) as an overlay zoning district. The NCO is a tool used to modify zoning regulations and establish design standards for specific areas of the city. This type of overlay zoning district is intended to enhance the natural, economic, and architectural resources of an area while protecting neighborhoods from incompatible development.

An interdepartmental team of city staff and a diverse stakeholder group prepared this text amendment as called for in *Connections 2025* and at the direction of the City Council. At their February briefing session, Council chose a draft version of the NCO and directed city staff to begin the public hearing process. The Planning Board will make a recommendation at their March 21 meeting, while a public hearing is tentatively scheduled for the April 17 City Council meeting.

Please find attached a list of frequently asked questions, process flow chart, and draft ordinance. If you have any questions, please contact me at 433-7258.



## City of Greensboro

### Neighborhood Conservation Overlays

### Frequently Asked Questions (FAQs)

#### **What is a neighborhood conservation overlay district?**

A Neighborhood Conservation Overlay District is a zoning layer placed on top of the base zoning district that serves to protect unique features of a residential neighborhood. The zoning overlay is tailor-made to each neighborhood and reflects the special qualities of that place. It protects elements visible from the public right-of-way and may vary from setbacks and building massing to distinct architectural features to special natural or environmental characteristics. An NCO also serves to facilitate compatible development or redevelopment.

#### **What changes will happen when a neighborhood becomes a conservation district?**

The purpose of an NCO is to protect the existing setting and features of a neighborhood, so a property owner will not have to change or alter the property due to the designation. If the owner does want to alter the property and the proposed changes are addressed in the neighborhood design guidelines, plans will be reviewed by City staff to ensure that any alterations are compatible with the existing neighborhood guidelines.

#### **Who will decide how the guidelines will affect my property?**

It is the neighborhood property owners' and stakeholders' decision as to what is regulated and what is not within the overlay district. The neighborhood creates its own design guidelines and conservation plan with the help of City staff. The City serves to help property owners comply with the neighborhood's goals.

#### **How will a conservation district help a neighborhood?**

One of the goals of a Conservation Overlay District is to stabilize and enhance neighborhood character and setting by providing a clear plan and set of design guidelines that accurately reflects the neighborhood as a cohesive unit. In doing so, by establishing a higher standard of development, NCOs typically stabilize property values and encourage quality new development and reinvestment in the area. Increased neighborhood pride, resident involvement, and a greater sense of community often result from this recognition as a unique and special place.

#### **How are neighborhood boundaries defined?**

Boundaries should reflect a cohesive built environment that represents common characteristics and the setting of the neighborhood. Boundaries can be as small as one block face. There may even be multiple NCOs within a traditionally defined neighborhood boundary.

#### **How do you start an NCO in your neighborhood?**

Typically a neighborhood files an application with the Planning Department and then an assessment is made as to its eligibility. If the neighborhood is found to be eligible using criteria outlined in the Development Ordinance, a public meeting is scheduled by the Planning Department to provide pertinent information for residents and stakeholders. The neighborhood then drafts a Neighborhood Conservation Plan and

Design Guidelines with the assistance of City staff. After the Plan and Design Guidelines are completed, a second public meeting is scheduled by the Planning Department to ensure the residents and stakeholders fully understand the proposed NCO. When a majority of property owners formally support the designation, the plan and guidelines are then reviewed at public hearings by the Planning Board, Zoning Commission and City Council. Once the Neighborhood Conservation Plan and Design Guidelines have been approved, the Guidelines will be used to review proposed developments within the district.

**How do I know if my neighborhood is eligible?**

In most instances, neighborhoods will file a preliminary application that assesses the distinctive features that create a cohesive identifiable setting, character or association. A potential NCO must also contain at least one block face and at least 75% of the land area must have been developed at least 25 years prior to the application.

**How are the guidelines and plan written?**

Neighborhoods will be photographed, visited and surveyed by City staff in conjunction with neighborhood residents and stakeholders. The neighborhood and staff will assess the special characteristics of the neighborhood in order to create a plan and guidelines that accurately reflect the goals and characteristics of the neighborhood.

**Can a neighborhood be both a Conservation District and a Historic District?**

No. Conservation Overlay Districts and Historic Districts serve different purposes. If a neighborhood is unsure of which direction to take, City staff will be happy to review the neighborhood and make suggestions.

**Will being an NCO make me change the appearance of my property or rehabilitate it right now?**

No. Property owners are not required to alter their properties upon designation. If, however, an owner wishes to alter property after designation, the owner would be required to follow any applicable NCO guidelines.

**What sorts of things can the guidelines regulate?**

Building height, massing, and orientation, principal elevation features, building materials, roofline and pitch, dimensional requirements, setbacks, lot size, density, parking and loading requirements, garage entrance location, driveways, landscaping, fences and walls, lighting, signage, and general site planning for both primary and accessory structures.

**What sorts of things can the guidelines *not* regulate?**

Interior alterations, routine maintenance or repair of any structure or site feature, demolition of any structure, exterior paint colors, and types of land uses permitted by the underlying zoning district.

**Is there a design committee review for alterations or for new construction?**

No. All review is done by staff and the general public is not involved in the review process.

**How long will review take and will there be a fee?**

There is no fee for plan review and design assistance for proposed alterations in addition to the normal fees associated with building permits. Major alterations and new construction follow the same timeline as any project requiring a building permit.

**Can an NCO be used to exclude certain types of housing?**

No. An NCO is used to maintain the character, setting and identity of a neighborhood and to promote quality, respectful investment. If a parcel is currently zoned for multi-family, an NCO will not change that current land use.

**Will an NCO downzone my property or change its land use?**

No, the existing base zoning will remain unchanged. Any vacant parcels will also maintain the range of uses permitted by the underlying zoning. However, the NCO may affect the dimensional standards (lot area, setbacks, building height, etc.), but not the use or density of the base zoning.

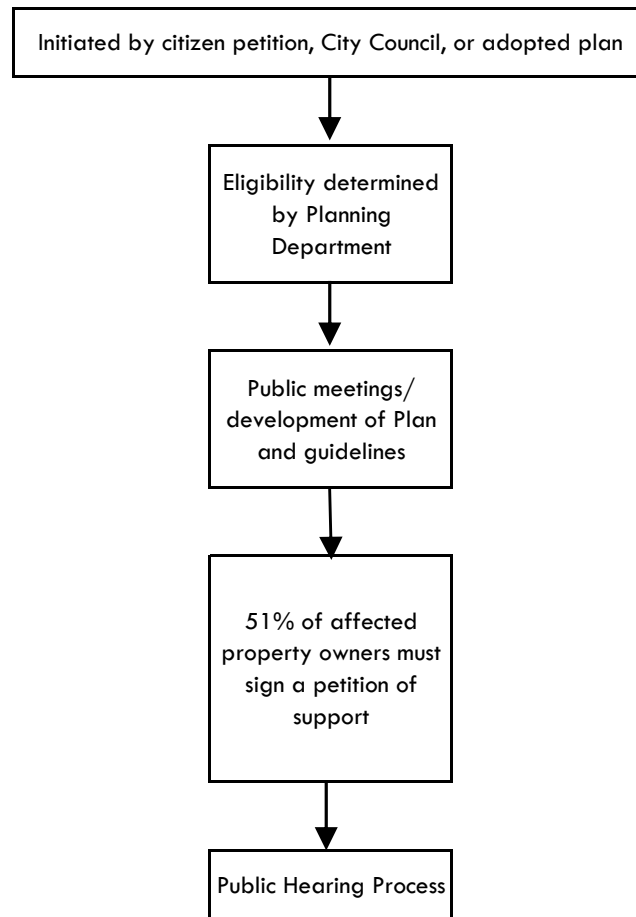
**Will different land uses have different guidelines?**

Commercial and multi-family areas often have different characteristics and settings from their residential neighbors even when they are located within the same neighborhood. In order to conserve these special characteristics, neighborhoods may have different guidelines in order to protect the special qualities of each area.

**Any inquiries may be directed to the City of Greensboro Planning Department:**

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## Process to Establish a Neighborhood Conservation Overlay



## AMENDING CHAPTER 30

### AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-1-3, Purpose, is hereby amended by adding subsection 30-1-3.20, Neighborhood conservation overlay purposes, to read as follows:

**“30-1-3.20. Neighborhood conservation overlay purposes.**

The neighborhood conservation overlay regulations, adopted and prescribed in this Ordinance, are found by the City Council to be necessary and appropriate to:

- (A) Encourage development, redevelopment, and/or public projects that are consistent with a neighborhood’s livability, architectural character, and reinvestment potential.
- (B) Provide a means to modify zoning regulations and establish design standards for specific areas of the city while facilitating compatible development or redevelopment and protecting neighborhoods from incompatible development.”

Section 2. That Section 30-4-1.3, Overlay districts, is hereby amended by adding subsection 30-4-1.3(H), NCO Neighborhood Conservation District, to read as follows:

*“(H) NCO Neighborhood Conservation District. The NCO, Neighborhood Conservation Overlay District establishes regulations to enhance natural, economic, and architectural resources unique to specific areas of the city while protecting neighborhoods from incompatible development. These regulations are specified in Section 30-4-4 (Overlay District Requirements).”*

Section 3. That Section 30-4-4 Overlay District Requirements, is hereby amended by adding subsection 30-4-4.8, Neighborhood conservation overlay districts, to read as follows

**“30-4-4.8. Neighborhood conservation overlay districts.**

- (A) *Applicability:*
  - (1) The Neighborhood Conservation Overlay District regulations apply to properties located within the boundaries of a designated Neighborhood Conservation Overlay (NCO). The District may be applied in areas where the majority of the parcels are used for a residential purpose.
  - (2) A Neighborhood Conservation Overlay may not overlap a Historic District Overlay or Pedestrian Scale Overlay.

(B) *Relationship to other Regulations:* In the case of conflict between the Neighborhood Conservation Overlay District regulations and requirements contained in other sections of this Ordinance, the regulations of the Neighborhood Conservation Overlay District will govern.

(C) *Establishing or Expanding a Neighborhood Conservation Overlay District:*

(1) **Authority to Initiate Application:** Applications for a Neighborhood Conservation Overlay District designation must be filed with the Planning Department. An application may be initiated either:

(a) By a petition (provided by the Planning Department) signed by property owner(s) representing at least twenty-five percent (25%) of the land area and at least twenty-five percent (25%) of the parcels within the proposed district; or

(b) Upon request by a property owner within the proposed district, pursuant to an adopted neighborhood or other area plan that recommends a Neighborhood Conservation Overlay District; or

(c) By the City Council.

(2) **Application Requirements:** When an application (provided by the Planning Department) and boundary map are filed to establish a Neighborhood Conservation Overlay District, the Planning Director must determine the eligibility of the area for Neighborhood Conservation Overlay designation in accordance with this subsection. An area is determined eligible for a Neighborhood Conservation Overlay designation if it satisfies all of the following application criteria:

(a) Contains a minimum of one block face (all the lots on one side of a block);

(b) At least seventy-five percent (75%) of the land area in the proposed district was developed at least 25 years prior to the application, and is presently developed; and

(c) Where one or more of the following features is shared by a majority of the properties, creating a cohesive and distinctive setting, character or association:

(i) scale, size, orientation, type of construction, or exterior building materials;

(ii) spatial relationships between buildings;

- (iii) lot layouts, setbacks, street layouts, or alleys;
  - (iv) special natural or streetscape characteristics, such as creek beds, parks, greenbelts, gardens or street landscaping;
  - (v) land use patterns, including mixed or unique uses or activities; or
  - (vi) abuts or links designated historic landmarks and/or districts.
- (3) Determination of Eligibility for NCO Designation:
- (a) If, based on the criteria in subsection (C)(2) above, the Planning Director determines that the area is not eligible for a Neighborhood Conservation Overlay District designation, the applicant(s) will be notified of this fact in writing, including stated reasons for the decision. The decision of the Planning Director that an area is not eligible may be appealed to the Board of Adjustment. In considering the appeal, the sole issue shall be whether or not the Planning Director erred in the determination of eligibility using the criteria in subsection (C)(2) above.
  - (b) If the Planning Director determines that the area is eligible for designation as a Neighborhood Conservation Overlay District, the applicant(s) will be notified of this decision and a Public Informational meeting will be scheduled. The decision of the Planning Director that an area is eligible for a Neighborhood Conservation Overlay District may not be appealed.
- (4) Public Information Meeting Required: If the area is determined to be eligible for a Neighborhood Conservation Overlay District, the Planning Director must schedule a public meeting for the purpose of informing property owners in the proposed district of the nature of the pending request. The Planning Director must send notice of the date, time and place of the meeting by mail to all property owners within the proposed district and adjacent property owners. The City must initiate the preparation of a Neighborhood Conservation Plan within sixty (60) days of the Public Informational Meeting.
- (5) Neighborhood Conservation Plan: A Neighborhood Conservation Plan shall be prepared by City Staff with the assistance of representatives of the proposed district and include, at a minimum, the following information:
- (a) Statement of Purpose and Intent;
  - (b) A map that indicates the boundaries of the proposed Neighborhood Conservation Overlay District;



- (c) A description of the relevant history of the area;
- (d) A description of the existing and common characteristics of the area, including zoning, land use, development, and distinguishing features of the proposed district (e.g. architectural styles, natural features, design features, institutions); and
- (e) Design Guidelines for new construction of any building or structure, or the relocation of or addition to an existing building or structure.
  - (i) The Design Guidelines may include elements governing the common physical characteristics and features of property (public or private) existing within the proposed district. The Guidelines may also vary according to the type of land use (single family, multifamily, commercial, etc.) and may decrease or increase standards (parking, landscaping, etc.). Elements of design established for the proposed district may include, but are not limited to, the following:
    - (aa) building height, massing, and orientation;
    - (bb) principal elevation features, pattern and number of openings, building materials, and roofline and pitch;
    - (cc) dimensional requirements, setbacks, lot size, density, and floor area ratio;
    - (dd) parking and loading requirements, garage entrance location, driveways, and sidewalks;
    - (ee) landscaping, fences and walls, lighting, and signage; and
    - (ff) general site planning for both primary and accessory structures.
  - (ii) In order to accomplish the stated goals of the Plan and maintain common characteristics of the proposed district, elements of design may only consider conditions currently prevalent throughout the proposed district. Additionally, Design Guidelines established for the proposed district ***shall not*** regulate the following:
    - (aa) interior alterations;

- (bb) routine maintenance or repair of any structure or site feature;
    - (cc) demolition of any structure;
    - (dd) exterior paint colors; and
    - (ee) types of land uses permitted by the underlying zoning district.
  - (iii) Once the Neighborhood Conservation Overlay Plan has been approved, proposed developments within the district shall be reviewed by the Enforcement Officer to determine if they meet the adopted guidelines set forth in the Plan.
- (6) Upon completion of the proposed Neighborhood Conservation Plan, the Planning Director must schedule a public meeting for the purpose of informing property owners in the proposed Overlay District of the nature of any pending requirements. The Planning Director must send notice as provided in subsection (C)(4) above. A petition (provided by the Planning Department) indicating support for the City to proceed to public hearings must be filed with the Planning Director within six (6) months of the Public Informational Meeting. The petition to proceed must be signed by property owner(s) representing at least fifty-one percent (51%) of the land area and at least fifty-one percent (51%) of the parcels within the proposed district.
- (7) Map Amendment, and Neighborhood Conservation Plan Required:
- (a) Adoption of a Neighborhood Conservation Overlay District requires an amendment to the official zoning map; and
  - (b) A Neighborhood Conservation Plan must be approved by the City Council at the same time that the map amendment is adopted.
- (D) *Overlay District and Plan Approval:*
- (1) The Plan shall be forwarded, with the recommendations of the Planning Board and Zoning Commission following public hearings, to the City Council for approval.
  - (2) The City Council must hold a public hearing to consider adoption of both the Overlay District and the Plan.
- (E) *Amendments to an Adopted Neighborhood Conservation Overlay District:* Any proposal to amend, modify or dissolve any district boundaries or design

guidelines in an adopted Overlay District or Neighborhood Conservation Plan is subject to the following:

- (1) Any proposal to add parcels to an adopted Neighborhood Conservation Overlay District shall be the same as the application and adoption procedures set forth in Sections (C) and (D) except that a separate Neighborhood Conservation Plan will not be required. The original Neighborhood Conservation Plan for the district can be amended to incorporate the expansion.
- (2) Any proposal to subtract individual parcels or dissolve a district in its entirety from an adopted Neighborhood Conservation Overlay District requires:
  - (a) A new petition to subtract individual parcels or dissolve a district in its entirety must be signed by property owner(s) representing at least twenty-five percent (25%) of the land area and at least twenty-five percent (25%) of the parcels within the existing district; or at the request of the City Council.
  - (b) A Public Information Meeting scheduled by the Planning Director for the purpose of informing property owners in the existing district of the nature of the pending request. The Planning Director must send notice of the date, time and place of the meeting by mail to all property owners within the proposed district and adjacent property owners.
  - (c) Following the Public Informational Meeting, a petition to proceed must be signed by property owner(s) representing at least fifty-one percent (51%) of the land area and at least fifty-one percent (51%) of the parcels within the existing district.
  - (d) An amendment to the official zoning map.
  - (e) The amendment shall be forwarded, with the recommendations of the Planning Board and Zoning Commission following public hearings, to the City Council for approval.
  - (f) The City Council must hold a public hearing to consider the amendment.
- (3) Any proposal to amend a Neighborhood Conservation Plan requires:
  - (a) A new petition to amend a Neighborhood Conservation Plan must be signed by property owner(s) representing at least twenty-five percent (25%) of the land area and at least twenty-five percent (25%) of the parcels within the existing district; or at the request of the City Council.
  - (b) A Public Information Meeting scheduled by the Planning Director for the purpose of informing property owners in the existing district of the nature of the pending request. The Planning Director must send notice of the date, time and place of the meeting by mail to all property owners within the proposed district and adjacent property owners.

- (c) If the new application was initiated by a petition, then following the Public Informational Meeting a petition to proceed must be signed by property owner(s) representing at least fifty-one percent (51%) of the land area and at least fifty-one percent (51%) of the parcels within the existing district.
- (d) The amendment shall be forwarded, with the recommendations of the Planning Board and Zoning Commission following public hearings, to the City Council for approval.
- (e) The City Council must hold a public hearing to consider the amendment.”

Section 4. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 5. This ordinance shall be effective on May 1, 2007.